

COUNCIL FOR THE CITY OF SCRANTON
PUBLIC HEARING

IN RE: RESOLUTION NO. 120, 2021 –
ACCEPTING THE RECOMMENDATION OF THE HISTORICAL
ARCHITECTURE REVIEW BOARD (“HARB”) AND DENYING
THE CERTIFICATE OF APPROPRIATENESS FOR L. R.
COSTANZO CO., INC., 123 NORTH MAIN
AVENUE, SCRANTON, PENNSYLVANIA 18504 FOR THE
FOLLOWING UPGRADES TO SITE LIGHTING THROUGHOUT
THE PROPERTY AT PNC BANK, 201 PENN AVENUE,
SCRANTON, PA 18503.

DATE: March 16th, 2021

TIME: 5:45 p.m.

LOCATION: Zoom

Maria McCool, RPR
Official Court Reporter

C O U N C I L M E M B E R S :

WILLIAM GAUGHAN, PRESIDENT

KYLE DONAHUE, VICE PRESIDENT

MARK MCANDREW

JESSICA ROTHCHILD

THOMAS SCHUSTER

LORI REED, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

KEVIN HAYES, COUNCIL SOLICITOR

1 MR. GAUGHAN: I'd like to call this
2 public hearing to order. Roll call, please.

3 ATTY. HAYES: Kathy, you're on mute.
4 Bill, do you want me to do it?

5 MR. GAUGHAN: Yeah, you could do it.
6 That's fine.

7 ATTY. HAYES: Mr. Schuster.

8 MR. SCHUSTER: Present.

9 ATTY. HAYES: Mr. McAndrew.

10 MR. MCANDREW: Present.

11 ATTY. HAYES: Dr. Rothchild.

12 DR. ROTHCHILD: I'm here.

13 ATTY. HAYES: Mr. Donahue.

14 MR. DONAHUE: Here.

15 ATTY. HAYES: Mr. Gaughan.

16 MR. GAUGHAN: Here. Thank you.

17 MS. CARRERA: I'm sorry. I'm sorry.

18 MR. GAUGHAN: That's okay.

19 ATTY. HAYES: No worries.

20 MS. REED: The purpose of said
21 public hearing is to hear testimony and discuss
22 the following: RESOLUTION NO. 120, 2021 -
23 ACCEPTING THE RECOMMENDATION OF THE HISTORICAL
24 ARCHITECTURE REVIEW BOARD ("HARB") AND DENYING
25 THE CERTIFICATE OF APPROPRIATENESS FOR L. R.

1 COSTANZO CO., INC., 123 NORTH MAIN
2 AVENUE, SCRANTON, PENNSYLVANIA 18504 FOR THE
3 FOLLOWING UPGRADES TO SITE LIGHTING THROUGHOUT
4 THE PROPERTY AT PNC BANK, 201 PENN AVENUE,
5 SCRANTON, PA 18503.

6 MR. GAUGHAN: At this time would
7 someone please make a motion to accept public
8 comment?

9 MR. DONAHUE: So moved.

10 DR. ROTHCHILD: Second.

11 MR. GAUGHAN: There's been a motion
12 and a second to accept public comment for
13 Resolution No. 120, 2020. Mrs. Reed, please
14 read any comments received into the record.

15 MS. REED: Thank you. There have
16 been no comments submitted and/or received for
17 this hearing.

18 MR. GAUGHAN: Thank you. On the
19 question? All those in favor signify by saying
20 aye.

21 MR. SCHUSTER: Aye.

22 MR. MCANDREW: Aye.

23 MR. DONAHUE: Aye.

24 DR. ROTHCHILD: Aye.

25 MR. GAUGHAN: Aye. Opposed? The

1 ayes have it and so moved.

2 Joining the public hearing this
3 evening to offer testimony regarding the
4 lighting project is Kyle Newberry with L. R.
5 Costanzo, Kim Carr with PNC Bank and Avery
6 Getton and Bill Byron with the Palumbo Group.

7 So I would ask now if Maria McCool
8 could please swear in everyone who is a non
9 lawyer who will be offering testimony. Please
10 raise your right hand and be sworn in by the
11 stenographer.

12
13 BILL BYRON, AVERY GETTON, KYLE
14 NEWBERRY AND KIM CARR, having been called
15 as a witness and being duly sworn, was
16 examined and testified as follows:

17
18 MR. GAUGHAN: Thank you. Okay. We
19 are here tonight to conduct this public hearing
20 regarding the application for appropriateness
21 which was submitted to the City of Scranton's
22 Historical Architecture Review Board by L. R.
23 Costanzo Company, Incorporated, specifically
24 the application for appropriateness requested
25 authorization to install certain upgrades to

1 lighting of a property owned by PNC Bank and
2 located -- which is located at 201 Penn Avenue
3 in downtown Scranton.

4 By way of procedural history,
5 Costanzo presented the application to the
6 Historical Architecture Review Board on January
7 14th, 2021 and was denied that same day.

8 Mayor Cagnetti's administration has
9 prepared a resolution which accepts the
10 recommendation of the Historical Architecture
11 Review Board with regard to the application
12 denial.

13 Pursuant to the City Code, City
14 Council has notified Costanzo that HARB's
15 denial of the application will be reviewed at
16 tonight's public hearing. Costanzo has been
17 directed to be prepared to offer evidence and
18 testimony in support of the application.

19 And you are now authorized to
20 proceed and offer testimony. So I'll turn the
21 floor over to you.

22 MR. BYRON: This is Bill Byron.
23 Shall I speak to this, Kyle?

24 MR. NEWBERRY: By all means, Bill.

25 MR. BYRON: Okay. So Bill Byron

1 from the Palumbo Group. And thanks for having
2 us tonight, putting this on your agenda.
3 We're here to respectfully request your
4 approval to proceed with our lighting
5 replacement project as it is currently designed
6 and submitted for the construction permit
7 because our reasoning is, according to the HARB
8 letter to the City Council dated January 21st,
9 the type of fixtures were not an issue.

10 The type of fixtures proposed were
11 found to be appropriate to the site of the
12 building. But they expressed preference to
13 have all the fixtures match with hatted tops.
14 Our predicament is that the fixtures were
15 prepurchased by PNC with monies budgeted for
16 the 2020 fiscal year and the contract was to
17 install fixtures provided by owner.

18 Our intent is -- or was -- the
19 design intent was to suggest a differentiation
20 between the public street Penn Avenue and the
21 fixtures in front of the bank and the plaza
22 that's privately owned by the bank and used for
23 tenants, you know, private use for tenants.

24 But while using the same family of
25 light fixtures they are very similar looking.

1 Also in support of our request and reviewing
2 the project evaluation criteria from the HARB
3 ordinance, it states that recommendations for
4 certificate of appropriateness should consider
5 the affect of the proposed changes on a list of
6 six criteria.

7 And those six items are -- this is
8 you know, Section 18-42 the powers and
9 functions of the committee. But those six
10 criteria are how it affects the historical
11 values representing culture, political,
12 economical or social history of Scranton.

13 That's number one. Two, is the
14 relationship of the structure to historical
15 figure or event; and three is, is it a specimen
16 of a certain era, style or method of
17 construction.

18 We don't believe that these criteria
19 are applicable. And then items four, five and
20 six are concerned with the architectural and
21 historic nature of other buildings in the
22 immediate proximity of the project.

23 Number five -- criteria five deals
24 with the appropriateness of exterior
25 fixtures -- or features which HARB finds them

1 to be appropriate. It's just the relationship
2 of the design features to similar features on
3 adjacent buildings.

4 And the wording is buildings in the
5 immediate vicinity. So the immediate context
6 of adjacent buildings is the PNC Bank Building,
7 the Forum and the Penn Professional Building
8 across the street.

9 None of which has distinguishing
10 features or contribute to the historic fabric
11 of the City. The only building of historic
12 significance is the Times Building which is not
13 visible from the plaza. It is separated by the
14 PNC Bank Building.

15 And that plaza is flanked by two
16 more modern structures, right, the PNC Bank and
17 the Forum and the Penn Professional Building
18 across the street on Penn Avenue. But these
19 are the reasons we believe the improvements we
20 wish to make are appropriate and we
21 respectfully request your approval.

22 MR. GAUGHAN: Thank you. Is there
23 anyone else on the meeting tonight who would
24 like to offer testimony that was sworn in?
25 Okay. I just have a few questions for you,

1 Mr. Byron.

2 MR. BYRON: Sure.

3 MR. GAUGHAN: First, how many years
4 has your architectural firm operated in the
5 City?

6 MR. BYRON: Since 1980.

7 MR. GAUGHAN: 1980. And you're
8 familiar with the historical architecture of
9 the downtown district, correct?

10 MR. BYRON: Yes. I actually live in
11 a historic district up in Waverly and served on
12 the Waverly HARB for six years. And now I'm
13 actually a supervisor. So they recommend the
14 board of supervisors up here.

15 MR. GAUGHAN: Okay. Great. Are you
16 aware of any historical significance that the
17 PNC Bank Administration Building has at this
18 point?

19 MR. BYRON: I am -- no. I don't
20 believe there is any historical significance
21 there.

22 MR. GAUGHAN: Okay. As an architect
23 who has rendered professional services in the
24 City of Scranton for many years, is it your
25 opinion that the proposed lighting described in

1 this application will be consistent with the
2 PNC Bank Building?

3 MR. BYRON: Yes. I think it will be
4 an improvement to what they have now.

5 MR. GAUGHAN: And in your opinion,
6 will the lighting proposed in this application
7 be appropriate for this building and the
8 historic district as a whole?

9 MR. BYRON: I believe so, yeah.
10 Yes.

11 MR. GAUGHAN: And, Mr. Byron, in
12 your opinion does the proposed lighting in any
13 way offend the historic qualities of the
14 downtown district?

15 MR. BYRON: No, I don't believe it
16 does.

17 MR. GAUGHAN: Okay. Thank you.

18 MR. BYRON: Sure.

19 MR. GAUGHAN: Anyone else have any
20 questions?

21 MR. SCHUSTER: Yeah, I have a few
22 questions. So when I'm looking at the
23 response from HARB, it says that they don't see
24 any down side to this. Do you see any down
25 side by denying this request --

1 MR. BYRON: Do I --

2 MR. SCHUSTER: Denying this change.

3 MR. BYRON: There is a bit of a down
4 side. The predicament we're in also is that
5 the fixtures were prepurchased with monies in
6 the 2020 fiscal year. And, you know, they were
7 prepurchased for the contractor to install
8 provided by the owner for the contractor to
9 install.

10 It's going to be difficult to
11 replace them. And we've looked into it and
12 there are not, you know, the hats that can be
13 retrofitted to the other fixtures in the plaza.
14 But if you look at the fixtures, we've provided
15 some graphics. They're very similar.

16 There's really just the disc, the
17 hat on the fixture that's presented to the
18 public side, you know, the public street,
19 right, Penn Avenue there at the entrance of the
20 bank.

21 And we really wanted to kind of
22 suggest that differentiation between the public
23 street and the private property which is the
24 plaza, you know, that's supposed to be used for
25 tenants, employees of the bank.

1 That was the intention of kind of
2 switching it up. The fixtures are in the same
3 family, very similar looking. The ones in the
4 plaza are just a little bit lower for some
5 pedestrian, you know, flow through there and
6 lighting. I hope I answered your question.

7 MR. SCHUSTER: Yes. So how many
8 lights are to be replaced? I see the single
9 lights and then I see the hatted two-prong
10 lights. How much of those are replaced?

11 MR. BYRON: May I defer to Avery?
12 Avery, are you on or Kyle? Can you answer
13 that?

14 ATTY. HAYES: Kyle, you're muted.
15 There you go.

16 MR. NEWBERRY: Yeah, the Penn Avenue
17 side of the bank there are two lights that are
18 being replaced just to the left and right side
19 of the entrance and then the plaza I'll have to
20 look at the drawings. I want to -- 21 stands
21 out to me.

22 MR. BYRON: Between the (inaudible)
23 and the light posts.

24 MR. NEWBERRY: Right.

25 MR. SCHUSTER: Yeah, so I'm seeing

1 three designs. So I'm seeing the hatted
2 two-prong lights. I'm seeing the single
3 lights. And I'm seeing the maybe waist level
4 lights. So does that number -- maybe those
5 single lights and those waist lights.

6 MR. BYRON: That's right. Those are
7 what's --

8 MR. SCHUSTER: Okay. And then the
9 ones that you're calling the hatted lights,
10 they're going to go on the front entrance,
11 correct?

12 MR. NEWBERRY: Yes.

13 MR. BYRON: Correct.

14 MR. SCHUSTER: And then it looks
15 like they're replacing like a globe style
16 light; is that correct?

17 MR. NEWBERRY: That's correct.

18 MR. BYRON: Yeah, so the hatted --
19 the hatted fixtures, the hatted lamps kind of
20 harken back to, you know, a more traditional
21 lamp. But you could see that they're all, you
22 know, modern fixtures. And the other thing,
23 you know, the context of where they are, you
24 know, the -- you're kind of flanked by two more
25 modern buildings.

1 And the Times Building is the only
2 building there of historical significance. But
3 that can't be seen and it can't see the plaza.
4 So they're very separated. So there's no -- I
5 don't believe there's a conflict in, you know,
6 the style that we chose for the fixtures.

7 There's certainly a contrast between
8 the PNC Building and the more traditional, you
9 know, older style of the Times Building.

10 MR. SCHUSTER: And then all lights
11 on the PNC property will be replaced, correct?
12 There's not going to be --

13 MR. BYRON: Correct.

14 MR. SCHUSTER: Okay. Would you say
15 the shorter waist level lights maybe stand out
16 or look different than the rest of those lights
17 when it comes to --

18 MR. BYRON: They do. But I don't
19 think that -- in that letter I don't think they
20 expressed any opposition to the bollard lights.
21 The only preference that they really expressed
22 was, you know, why not use the hatted fixtures
23 in the plaza as well. But I don't, you know,
24 that's an opinion.

25 But I don't think that that's based

1 in any of the six criteria that are supposed to
2 be evaluated, you know?

3 MR. SCHUSTER: Okay. Thank you.

4 MR. BYRON: Sure.

5 MR. GAUGHAN: Any other questions?

6 MR. MCANDREW: I have a quick one.

7 So I understand, you know, there's going to be
8 contrast and there's different styles and we're
9 trying to stay within -- you know preserve some
10 architectural heritage.

11 But are you adding any lights? Are
12 these lights going to help with safety or
13 energy savings less, you know, carbon
14 footprint. I mean, I would take all things in
15 consideration. Of course we want to keep the
16 historical piece. But are you adding lights in
17 addition to replacing them?

18 MR. BYRON: Yes --

19 MR. MCANDREW: More so for aesthetic
20 purposes or for safety purposes or energy
21 savings --

22 MR. BYRON: For all three of those.
23 These are going to be LED lights. So they're
24 going to be more energy efficient. I think we
25 slightly reduced the number of lights because

1 they are more, again, more efficient than
2 those, you know, glass balls that are on posts
3 there now.

4 I think aesthetically it's an
5 improvement. But there's really no historical
6 relationship to other buildings because, you
7 know, it's surrounded -- literally surrounded
8 by more modern buildings of, you know, 70s and
9 vintage I think.

10 The Penn Professional Building is a
11 brown brick -- certainly not a traditional
12 building. It's more modern. I wouldn't call
13 it modern architectural. But it's not
14 historically significant by any means. And
15 neither is the PNC or the Forum buildings.

16 MR. GETTON: Can I add that the LEDs
17 are definitely more energy efficient than what
18 is there.

19 MR. MCANDREW: Thank you.

20 MR. GAUGHAN: Any other questions?
21 Okay. Thank you. We're going to take a vote
22 on this later tonight. And I appreciate your
23 testimony. I can tell you just from my own
24 review of the -- HARB's denial and based on
25 your testimony tonight that I'm going to be

1 voting against the resolution which denies this
2 application.

3 I don't believe that in my review of
4 the application it violates any of the criteria
5 set forth in the City Code for the historic
6 district. I actually believe that this
7 proposal is going to be an upgrade to the
8 property and an improvement to the property.

9 So I'm supportive and have been
10 supportive of the HARB's efforts to preserve
11 the historic nature of our downtown. But I
12 don't believe that the City should be asserting
13 their personal preference and must adhere to
14 the actual criteria -- this very specific
15 criteria set forth in the City Code.

16 So I am supportive of the
17 application and later tonight I will be voting
18 against the resolution and the denial.

19 MR. BYRON: Thank you.

20 MR. GAUGHAN: Thank you. Okay.

21 Thank you, gentlemen.

22 MR. BYRON: Thank you.

23 MR. GETTON: Thank you.

24 MS. CARR: Thank you.

25 MR. GAUGHAN: If there's no further

1 business I'll entertain a motion to adjourn the
2 public hearing.

3 MR. DONAHUE: Motion to adjourn.

4 MR. GAUGHAN: This public hearing is
5 adjourned.

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me of the above-cause and that this copy is a correct transcript of the same to the best of my ability.

Maria McCool, RPR
Official Court Reporter

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